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FILED
JAN 15 2016
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. CR 11-0584 JSW
)	
Plaintiff,)	NOTICE OF DISMISSAL AND MOTION TO
)	UNSEAL
v.)	AND ORDER THEREON
)	
SEYED MOJTABA ATARODI,)	
JAMAL SALAMI, SAJAD FARHADI,)	UNDER SEAL
SEYEDAHMAD 'AHMAD' ABTAHI,)	
SUNSEM SDN BHD, and PASTEK)	
SOLUTIONS,)	
)	
Defendants.)	

Based on issues regarding securing the extradition of the individual defendants, as well as significant foreign policy interests, the United States moves to dismiss the under seal indictment (attached as Exhibit A), as to defendants Jamal Salami, Sajad Farhadi, Seyedahmad 'Ahmad' Abtahi, Sunsem SDN BHD, and Pastek Solutions. Based on the above issues the Government also requests that the case be unsealed. Defendant Seyed Mojtaba Atarodi has previously plead guilty to the crimes charged in the indictment in a separate proceeding.

With leave of the Court, and pursuant to Federal Rule of Criminal Procedure 48(a), the United States Attorney for the Northern District of California dismisses the above indictment as to all the

defendants listed above (with the exception of Seyed Mojtaba Atarodi), without prejudice and moves that the Court quash the arrest warrants issued against defendants Jamal Salami, Sajad Farhadi, and Seyedahmad 'Ahmad' Abtahi, issued in connection with the indictment in this case.

DATED: January 15, 2016

Respectfully submitted,

BRIAN J. STRETCH
Acting United States Attorney


MAUREEN BESSETTE
Acting Branch Chief

Leave is granted to the government to dismiss the indictment against the remaining defendants. It is further ordered that the outstanding arrest warrants issued in connection with the Indictment are quashed and the case is unsealed.

It is so ordered JW
Date: Jan. 15, 2016


HON. JEFFREY S. WHITE
United States District Judge

Exhibit A

United States District Court

FOR THE NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

SEALED
BY COURT ORDER

UNITED STATES OF AMERICA,
v.

SEYED MOJTABA ATARODI,
JALAL SALAMI,
SAJAD FARHADI,
SEYEDAHMAD 'AHMAD' ABTAHI,
SUNSEM SDN BHD, and
PASTEK SOLUTIONS,

JSW

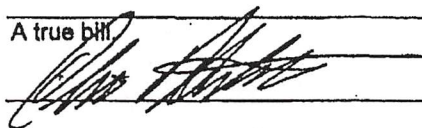
CR 11 0584

DEFENDANT(S).

INDICTMENT

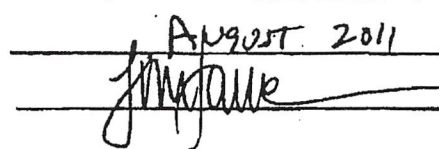
Conspiracy to Export Goods Without a License (50 U.S.C. §§ 1702 and 1705 and 31 C.F.R. Parts 560.203, 560.204, and 560.205); Exporting Goods Without a License (50 U.S.C. §§ 1702 and 1705; 31 C.F.R. Parts 560.203, 560.204, and 560.205; and 18 U.S.C. § 2); Smuggling Goods (18 U.S.C. §§ 554 and 2); False Statements (18 U.S.C. §§ 1001 and 2); and Forfeiture (50 U.S.C. app § 2410(g), 18 U.S.C. § 981(a)(1)(C), and 28 U.S.C. § 2461(c))

A true bill




Foreman

Filed in open court this 25 day of

August 2011


Clerk

Bail, \$ no bail arrest warrant


Nathanael Cousins
United States Magistrate Judge

MELINDA HAAG (CASBN 132612)
United States Attorney

FILED
2011 AUG 25 P 3 51
RICHARD W. WICKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**SEALED
BY COURT ORDER**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JSW

UNITED STATES OF AMERICA,

CR 11 0584

Plaintiff,

v.

SEYED MOJTABA ATARODI,
JALAL SALAMI,
SAJAD FARHADI,
SEYEDAHMAD 'AHMAD' ABTAHI,
SUNSEM SDN BHD, and
PASTEK SOLUTIONS,

Defendants.

VIOLATIONS: Conspiracy to Export Goods Without a License (50 U.S.C. §§ 1702 and 1705 and 31 C.F.R. Parts 560.203, 560.204, and 560.205); Exporting Goods Without a License (50 U.S.C. §§ 1702 and 1705; 31 C.F.R. Parts 560.203, 560.204, and 560.205; and 18 U.S.C. § 2); Smuggling Goods (18 U.S.C. §§ 554 and 2); False Statements (18 U.S.C. §§ 1001 and 2); and Forfeiture (50 U.S.C. app § 2410(g), 18 U.S.C. § 981(a)(1)(C), and 28 U.S.C. § 2461(c))

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

At all times relevant to this Indictment:

INTRODUCTORY ALLEGATIONS

1. Defendant SEYED MOJTABA ATARODI (hereinafter "ATARODI") was an Iranian citizen and lawful permanent resident of the United States, who served as a professor of electrical engineering at Sharif University in Tehran, Iran. ATARODI also served as chief

INDICTMENT

1 executive officer of the Microelectronic Research And Development Center of Iran (hereinafter
2 "MERDCI") until at least 2005.

3 2. Defendant PASTEK SOLUTIONS (hereinafter "PASTEK") was a company
4 located in San Marcos, California, that was operated, at least in part, for the purpose of procuring
5 electronic components from United States companies and arranging for those components to be
6 exported to Malaysia for transshipment to Iran.

7 3. Defendant JALAL SALAMI (hereinafter "SALAMI") was a citizen and resident
8 of both Iran and the United States who owned PASTEK and was responsible for its day-to-day
9 operations.

10 4. Defendant SUNSEM SDN BHD (hereinafter "SUNSEM") was a company located
11 in Kuala Lumpur, Malaysia, that was operated, at least in part, as an electronic components and
12 parts merchant for end-users and consignees in Iran.

13 5. Defendant SAJAD FARHADI (hereinafter "FARHADI") was an Iranian citizen
14 living in Malaysia who was responsible for the daily operations of SUNSEM.

15 6. Defendant SEYEDAHMAD 'AHMAD' ABTAHI (hereinafter "ABTAHI") was
16 an Iranian citizen living in Iran who helped manage SUNSEM's operations in Malaysia, and who
17 identified specific electronic components to be purchased from United States companies for end-
18 users and consignees in Iran.

19 7. MERDCI was a research and development center set up by the Industrial and
20 Renovation Organization of Iran, which is licensed by the Iranian Ministry of Science, Research,
21 and Technology to engage in research and development activities in the area of microelectronics,
22 nano electronics, and electronic systems.

23 The Iran Trade Embargo and the Iranian Transactions Regulations

24 8. The International Emergency Economic Powers Act ("IEEPA"), Title 50, United
25 States Code, Sections 1701-1707, authorizes the President of the United States ("the President")
26 to impose economic sanctions on a foreign country in response to an unusual or extraordinary
27 threat to the national security, foreign policy, or economy of the United States when the President
28 declares a national emergency with respect to that threat.

1 9. On March 15, 1995, the President issued Executive Order 12957 finding that "the
2 actions and policies of the Government of Iran constitute an unusual and extraordinary threat to
3 the national security, foreign policy, and economy of the United States," and declaring "a
4 national emergency to deal with that threat."

5 10. On May 6, 1995, the President issued Executive Order 12959, which imposed
6 economic sanctions, including a trade embargo, against Iran ("the Iran Trade Embargo"). On
7 August 17, 1997, the President issued Executive Order 13059, renewing the Iran Trade Embargo,
8 which continued throughout the time of the acts set forth herein.

9 11. Executive Order 12957, as expanded and continued by Executive Orders 12959
10 and 13059 (collectively "Executive Orders") authorized the United States Secretary of Treasury,
11 in consultation with the United States Secretary of State, to take such actions, including the
12 promulgation of rules and regulations, as may be necessary to carry out the purposes of the
13 Executive Orders. Pursuant to this authority, the United States Department of Treasury, through
14 the Office of Foreign Assets Control ("OFAC") issued the Iranian Transactions Regulations
15 ("ITR"), Title 31, Code of Federal Regulations, Part 560, implementing the sanctions imposed by
16 the Executive Orders.

17 12. With certain limited exceptions not applicable here, the Iranian Transactions
18 Regulations prohibited, among other things, the export, re-export, sale, or supply, directly or
19 indirectly, from the United States or by a United States person wherever located, to Iran or the
20 Government of Iran, or the financing of such export, re-export, sale, or supply, of any goods,
21 technology, or services, without prior authorization or license from OFAC. These regulations
22 further prohibited any transactions that evaded or avoided or had the purpose of evading or
23 avoiding any of the prohibitions contained in the Iranian Transactions Regulations, including the
24 unauthorized exportation of goods from the United States to a third country if the goods were
25 intended or destined for Iran.

26 13. Defendants SUNSEM, PASTEK, ATARODI, SALAMI, FARHADI, and
27 ABTAHI did not apply for, receive, or possess a license or authorization from the Office of
28 Foreign Assets Control, United States Department of Treasury, to export goods, technology, or

services, of any description, to Iran.

Export and Shipping Records

14. Pursuant to United States law and regulation, exporters and shippers or freight forwarders were required to file certain forms and declarations concerning exports of goods and technology from the United States. Typically, those forms were filed electronically through the Automated Export System ("AES") administered by the United States Department of Homeland Security ("DHS"), Bureau of Customs and Border Protection. A Shipper's Export Declaration ("SED") was an official document submitted to DHS in connection with export shipments from the United States.

15. An essential and material part of the SED and AES, as well as other export filings, was information concerning the end-user or ultimate destination of the export. The identity of the end-user determined whether the goods: a) may be exported without any specific authorization from the United States government; b) may be exported with the specific authorization or validated license from the United States Department of Commerce, the United States Department of State, or the United States Department of Treasury; or c) may not be exported from the United States.

16. The SED and forms filed through AES contained statements to the United States government that the transaction occurred as described. The SED and forms filed through AES were used by the Department of State, the Department of the Treasury, and the Department of Commerce for export control purposes. Other United States government agencies also relied upon the information provided by Automated Export System records.

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INDICTMENT

COUNT ONE: (Conspiracy to Violate Iran Embargo) 50 U.S.C. §§ 1702 and 1705 and 31 C.F.R. Parts 560.203, 560.204, and 560.205

17. The allegations in paragraphs 1 through 17 are incorporated and re-alleged by reference in this Count.

18. *Beginning as early as in or about June 2006, and continuing through the present, in the Northern District of California and elsewhere, the defendants,*

SEYED MOJTABA ATARODI,
JALAL SALAMI,
SAJAD FARHADI,
AHMAD ABTAHI,
SUNSEM SDN BHD, and
PASTEK SOLUTIONS,

did knowingly and willfully combine, conspire, confederate, and agree with each other and with others known and unknown to the Grand Jury, to commit offenses against the United States, that is, to export and cause the exportation of goods from the United States to Iran in violation of the embargo imposed upon that country by the United States, without having first obtained the required licenses and authorizations from the Office of Foreign Assets Control, United States Department of Treasury.

OBJECT OF THE CONSPIRACY

19. The object of the conspiracy was to export electronic test equipment and components from the United States to Iran by evading the prohibitions and licensing requirements of the IEEPA and ITR.

MANNER AND MEANS OF THE CONSPIRACY

20. The manner and means by which the defendants and their conspirators sought to accomplish the object of the conspiracy included, among others, the following:

a. Defendants ATARODI, SALAMI, FARHADI, ABTAHI, SUNSEM, and PASTEK caused the export and attempted export of electronic components from the United States to individuals and entities in Iran without first obtaining the required licenses and authorizations from the Office of Foreign Assets Control, United States Department of the Treasury.

1 b. Defendants ABTAHI, ATARODI, and others identified specific electronic
2 components to be purchased from United States companies for end-users and consignees in Iran.

3 c. Defendants ATARODI, SALAMI, FARHADI, ABTAHI, and others used email
4 and other forms of communication to transmit information to each other regarding the electronic
5 components identified for purchase from United States companies for export to Iran.

6 d. Defendants ATARODI, SALAMI, and FARHADI, using the Internet, email and
7 telephonic communications, purchased electronic components from companies in the United
8 States and directed the United States companies to ship the products either to SUNSEM in
9 Malaysia, or to PASTEK or SALAMI in the United States.

10 e. Defendants ATARODI, SALAMI, and FARHADI falsely represented to United
11 States companies, shippers, and freight forwarders that the end-users or ultimate consignees for
12 the electronic components they purchased were in the United States or Malaysia.

13 f. Defendant SALAMI operated PASTEK, located in San Marcos, California, at
14 least in part, to purchase and receive shipments of electronic components from United States
15 companies for end-users and consignees in Iran, thereby concealing the ultimate end-users and
16 consignees of the electronic components from the United States companies.

17 g. Defendants SALAMI and PASTEK shipped electronic components purchased
18 from United States companies to Defendants FARHADI and SUNSEM in Malaysia.

19 h. Defendants ATARODI, FARHADI, ABTAHI, and others operated SUNSEM,
20 located in Malaysia, at least in part, to receive electronic components purchased from United
21 States companies and transship them to Iran, thereby concealing the ultimate end-user and
22 consignee of the electronic components from the United States companies.

23 i. Defendants FARHADI and SUNSEM received shipments of electronic
24 components purchased from the United States companies or from Defendants PASTEK and
25 SALAMI, and transshipped those electronic components to Iran using freight forwarders,
26 shippers, and international air carriers.

27 j. By concealing from the United States companies, shippers, and freight forwarders
28 that the true end-users or consignees of the items they purchased in the United States were in

Iran, Defendants SALAMI and FARHADI caused the United States companies, shippers, and freight forwarders either to fail to file SEDs in AES or to include materially false, misleading, and incomplete information in documents, air waybills, and AES and SED records.

k. Defendants ATARODI and SALAMI also attempted to transport electronic components purchased from United States companies to Iran by hand carrying the components onto flights departing from the United States bound, through connections, for Iran.

All in violation of Title 50, United States Code, Sections 1702 and 1705; and Title 31, Code of Federal Regulations, Parts 560.203, 560.204 and 560.205.

COUNTS TWO THROUGH SEVEN: (Violation of the Iran Embargo) 50 U.S.C. §§ 1702 and 1705, 31 C.F.R. Parts 560.203, 560.204, and 560.205, and 18 U.S.C. § 2

21. The allegations in Paragraphs 1 through 20 are incorporated and re-alleged by reference in these Counts.

22. On or about and between the dates listed as to each count below, in the Northern District of California and elsewhere, the defendants listed as to each count below, did knowingly and willfully violate the embargo against Iran by exporting and causing to export goods, as described more fully below, from the United States to Iran, without first obtaining the required licenses and authorizations from the Office of Foreign Assets Control, United States Department of the Treasury.

COUNT	DEFENDANTS	DATE	GOODS
TWO	SEYED MOJTABA ATARODI, JALAL SALAMI, SUNSEM SDN BHD, SAJAD FARHADI, and PASTEK	March 5, 2009, to November 18, 2009	Heatpulse 610 Thermal Annealer
THREE	SEYED MOJTABA ATARODI, JALAL SALAMI, SUNSEM SDN BHD, SAJAD FARHADI, AHMAD ABTAHI, and PASTEK	July 31, 2009, to August 29, 2009	Signal Generator

FOUR	SEYED MOJTABA ATARODI, JALAL SALAMI, SUNSEM SDN BHD, SAJAD FARHADI, AHMAD ABTAHI, and PASTEK	July 31, 2009, to August 29, 2009	Factware Tester
FIVE	SEYED MOJTABA ATARODI, JALAL SALAMI, SUNSEM SDN BHD, SAJAD FARHADI, AHMAD ABTAHI, and PASTEK	July 31, 2009, to August 29, 2009	Tektronix Radio Communication Tester
SIX	SEYED MOJTABA ATARODI, JALAL SALAMI, SAJAD FARHADI, SUNSEM SDN BHD, and AHMAD ABTAHI	March 1, 2010, to April 6, 2010	Agilent Oscilloscope
SEVEN	SEYED MOJTABA ATARODI, JALAL SALAMI, SUNSEM SDN BHD, SAJAD FARHADI, and AHMAD ABTAHI,	March 19, 2010, to April 20, 2010	HP 349A UHF Noise Source

All in violation of Title 50, United States Code, Sections 1702 and 1705, Title 31, Code of Federal Regulations, Parts 560.203, 560.204 and 560.205, and Title 18, United States Code, Section 2.

COUNTS EIGHT THROUGH SIXTEEN: (Violation of the Iran Embargo) 50 U.S.C. §§ 1702 and 1705, 31 C.F.R. Parts 560.203, 560.204 and 560.205, and 18 U.S.C. § 2

23. The allegations in Paragraphs 1 through 20 are incorporated and re-alleged by reference in these Counts.

24. On or about the dates listed as to each count below, in the Northern District of California and elsewhere, the defendants listed as to each count below, did knowingly and willfully violate the embargo against Iran by attempting to export and cause to be exported goods, as described more fully below, from the United States to Iran, without first obtaining the required licenses and authorizations from the Office of Foreign Assets Control, United States Department of the Treasury.

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INDICTMENT

COUNT	DEFENDANTS	DATE	GOODS
EIGHT	SEYED MOJTABA ATARODI	February 25, 2010	Maxim Evaluation Kit
NINE	SEYED MOJTABA ATARODI	February 25, 2010	HP Noise Source
TEN	JALAL SALAMI and PASTEK	December 18, 2010	Spansion Memory
ELEVEN	JALAL SALAMI and PASTEK	December 18, 2010	10 Maxim 6034 Integrated Circuits
TWELVE	JALAL SALAMI and PASTEK	December 18, 2010	10 Maxim 6845 Reset Integrated Circuits
THIRTEEN	JALAL SALAMI and PASTEK	December 18, 2010	20 Avago Technologies Diodes
FOURTEEN	JALAL SALAMI and PASTEK	December 18, 2010	50 Fairchild Semiconductor Diodes
FIFTEEN	JALAL SALAMI and PASTEK	December 18, 2010	Analog Devices Digital to Analog Converter Circuit Board
SIXTEEN	JALAL SALAMI and PASTEK	December 18, 2010	10 NXP Semiconductor Integrated Circuits

All in violation of Title 50, United States Code, Sections 1702 and 1705, Title 31, Code of Federal Regulations, Parts 560.203, 560.204 and 560.205, and Title 18, United States Code, Section 2.

COUNTS SEVENTEEN THROUGH THIRTY-ONE: (Smuggling Goods) 18 U.S.C. §§ 554 and 2

25. The allegations in Paragraphs 1 through 20 are incorporated and re-alleged by reference in these Counts.

26. On or about and between the dates listed as to each count below, in the Northern District of California and elsewhere, the defendants listed as to each count below did knowingly and fraudulently export and send, and attempt to export and send, from the United States, merchandise, articles, and objects described more fully below, contrary to the laws and regulations of the United States, specifically, Title 50, United States Code, Sections 1702 and 1705, and Title 31, Code of Federal Regulations, Parts 560.203, 560.204, and 560.205:

INDICTMENT

COUNT	DEFENDANTS	DATE	GOODS
SEVENTEEN	SEYED MOJTABA ATARODI, JALAL SALAMI, SUNSEM SDN, BHD, SAJAD FARHADI, and PASTEK	March 5, 2009, to November 18, 2009	Heatpulse 610 Thermal Annealer
EIGHTEEN	SEYED MOJTABA ATARODI, JALAL SALAMI, SUNSEM SDN BHD, SAJAD FARHADI, AHMAD ABTAHI, and PASTEK	July 31, 2009, to August 29, 2009	Signal Generator
NINETEEN	SEYED MOJTABA ATARODI, JALAL SALAMI, SUNSEM SDN BHD, SAJAD FARHADI, AHMAD ABTAHI, and PASTEK	July 31, 2009, to August 29, 2009	Factware Tester
TWENTY	SEYED MOJTABA ATARODI, JALAL SALAMI, SUNSEM SDN BHD, SAJAD FARHADI, AHMAD ABTAHI, and PASTEK	July 31, 2009, to August 29, 2009	Tektronix Radio Communication Tester
TWENTY-ONE	SEYED MOJTABA ATARODI	February 25, 2010	Maxim Evaluation Kit
TWENTY-TWO	SEYED MOJTABA ATARODI	February 25, 2010	HP Noise Source
TWENTY-THREE	SEYED MOJTABA ATARODI, JALAL SALAMI, SAJAD FARHADI, SUNSEM SDN BHD, and AHMAD ABTAHI,	March 1, 2010, to April 6, 2010	Agilent Oscilloscope

TWENTY-FOUR	SEYED MOJTABA ATARODI, JALAL SALAMI, SUNSEM SDN BHD, SAJAD FARHADI, and AHMAD ABTAHI	March 19, 2010, to April 20, 2010	HP 349A UHF Noise Source
TWENTY-FIVE	JALAL SALAMI, and PASTEK	December 18, 2010	Spanion Memory
TWENTY-SIX	JALAL SALAMI, and PASTEK	December 18, 2010	10 Maxim 6034 Integrated Circuits
TWENTY-SEVEN	JALAL SALAMI, and PASTEK	December 18, 2010	10 Maxim 6845 Reset Integrated Circuits
TWENTY-EIGHT	JALAL SALAMI, and PASTEK	December 18, 2010	20 Avago Technologies Diodes
TWENTY-NINE	JALAL SALAMI, and PASTEK	December 18, 2010	50 Fairchild Semiconductor Diodes
THIRTY	JALAL SALAMI, and PASTEK	December 18, 2010	Analog Devices Digital to Analog Converter Circuit Board
THIRTY-ONE	JALAL SALAMI, and PASTEK	December 18, 2010	10 NXP Semiconductor Integrated Circuits

All in violation of Title 18, United States Code, Sections 554 and 2.

COUNTS THIRTY-TWO THROUGH THIRTY-THREE: (False Statements) 18 U.S.C. §§ 1001 and 2

27. The allegations in Paragraphs 1 through 20 are incorporated and re-alleged by reference in these Counts.

28. Beginning as early as in or about June 2006, and continuing through the present, in the Northern District of California and elsewhere, the defendant,

JALAL SALAMI,

in a matter within the jurisdiction of the executive branch of the United States Government, that is, the Department of Homeland Security, the United States Department of Commerce, did knowingly and willfully cause to be falsified, concealed, and covered up, by trick, scheme, and device, material facts, and caused to be made materially false, fictitious, and fraudulent

INDICTMENT

statements and representations, and caused to be made and used a false writing and document knowing the same to contain a materially false, fictitious, and fraudulent statement and entry, in that the defendant stated and represented, and caused to be stated and represented, in shipping records, including Automated Export System records, and Shipper's Export Declarations, that 1) no license was required, and 2) the ultimate consignee was an entity located in Malaysia, as described more fully below for each count, when the defendants there and then knew that these statements were false, the ultimate destination for the goods was Iran, and a license was required for the shipment.

COUNT	DATE	ULTIMATE CONSIGNEE	GOODS
THIRTY-TWO	March 12, 2010	Sunsem BHD, Malaysia	Agilent Oscilloscope
THIRTY-THREE	March 26, 2009	Sunsem BHD, Malaysia	Heatpulse 610 Thermal Annealer

In violation of Title 18, United States Code, Sections 1001 and 2.

FORFEITURE ALLEGATION ONE: (Export Control Forfeiture) 50 U.S.C. Appx. § 2410(g)

29. The factual allegations contained in Counts One through Thirty-One of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of Title 50, United States Code, Appx. Section 2410(g).

30. Upon a conviction of any of the offenses alleged in Counts One through Thirty-One, the defendants,

SEYED MOJTABA ATARODI,
JALAL SALAMI,
SAJAD FARHADI,
AHMAD ABTAHI,
SUNSEM SDN BHD, and
PASTEK SOLUTIONS

shall forfeit to the United States, pursuant to Title 50, United States Code, Appx. Section 2410(g), any interest in, security of, claim against, or property or contractual rights of any kind in the goods or tangible items that were the subject of the violation; any interest in, security of,

claim against, or property or contractual rights of any kind in tangible property that was used in the export or attempt to export that was the subject of the violation; and any property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

31. If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States shall be entitled to forfeiture of substitute property pursuant to Title 18, United States Code, Section 1963(m), as incorporated by Title 50, United States Code, Appx. Section 2410(g)(2).

All pursuant to Title 50, United States Code, Appx. Section 2410(g).

FORFEITURE ALLEGATION TWO: (Proceeds of IEEPA and Smuggling Forfeiture) 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)

32. The factual allegations contained in Counts One through Thirty-Two of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

33. Upon a conviction of any of the offenses alleged in Counts One through Thirty-Two, the defendants,

SEYED MOJTABA ATARODI,
JALAL SALAMI,
SAJAD FARHADI,
AHMAD ABTAHI,
SUNSEM SDN BHD, and
PASTEK SOLUTIONS,

shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the charged offenses.

34. If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), incorporated by Title 18, United States Code, Section 981(b) and Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

DATED: *August 25, 2011*

A TRUE BILL

FOREPERSON

MELINDA HAAG
United States Attorney

[Signature]
MIRANDA KANE
Chief, Criminal Division

(Approved as to form: *[Signature]*)

AUSA Philip Kearney

INDICTMENT